

REMARKS

In this Response, none of the claims are cancelled and no new claims are added. Claims 1, 2, 4-17, 19-23, and 26-30 are presented for examination.

Rejections Under 35 U.S.C. § 103

In the Office Action claims 1, 2, 4-17, 19, 20, 22, 23, 26-28 and 30 are rejected under 35 U.S.C. § 103(a) as being anticipated by Nilsson et al. (US 7,120,695) (hereinafter “Nilsson”) in view of Coulombe et al. (US2003/0055949) (hereinafter “Coulombe”).

Independent claim 1 recites

first requesting, by the client device, a first content from a content provider, including providing a characteristic profile to the content provider, the characteristic profile including one or more characteristics of the client device;

receiving, by the client device, a first reply from the content provider responsive to the first requesting, the first reply including a query for a dynamic characteristic of the client device;

second requesting, by the client device, the first content from the content provider, the second requesting incorporating a query result for the query, the query result including the dynamic characteristic; and

second receiving, by the client device, a second reply from the content provider responsive to the second requesting, the second reply including the first content or portion thereof, wherein the first content or portion thereof is determined by the content provider based at least in part on the dynamic characteristic.

The Examiner appears to allege that Nilsson’s communication between the user agent 30 and origin server 46 (see Fig. 2) discloses the recited requesting and receiving between the *client device* and the *content provider*. Nilsson’s Fig. 2 illustrating the communication between the user agent 30 and origin server 46 is reproduced below (next page) for easy of discussion.

Claim 1 recites first requesting, by the client device, a first content from a content provider, including providing a characteristic profile to the content provider, the characteristic profile including one or more characteristics of the client device. That is, the recited first requesting includes providing a characteristics profile. Nilsson, at 35, provides a minimal user profile to WAP Gateway 36 and at 40, requests a P3P policy reference file from the origin server 46. The Examiner appears to allege that Nilsson’s request 40 and minimal user profile (transmitted at 35) disclose the recited *first requesting* and the *characteristic profile*, respectively. Nilsson, however, separately transmits the minimal user profile (at 35) and the request 45 for the policy reference file, i.e., Nilsson’s request 45 for policy reference file does not include the minimal user profile. The claim, however, requires that the first requesting

includes providing a characteristics profile. That is, Nelson does not disclose first requesting a first content, including providing a characteristics profile.

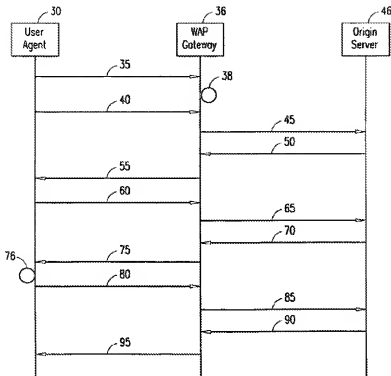


Fig. 2 of Nilsson, reproduced for ease of discussion

Additionally, claim 1 recites *receiving, by the client device, a first reply from the content provider responsive to the first requesting, the first reply including a query for a dynamic characteristic of the client device*. That is, the recited first reply is *responsive* to the first requesting. Nilsson's origin server 46, in response to the alleged first requesting (request 40), replies at 50, which the Examiner equates to the recited *first reply*. Reply 50 by the origin server 46 includes the requested policy reference file requested at 40 by the user agent 30. The claim recites that the first reply includes a query for a dynamic characteristics of the client device. Nelson, however, fails to disclose or even suggest that the reply 50 includes any kind of query. Rather, reply 50 merely includes the policy reference file requested at 40.

Additionally, claim 1 recites

*first requesting, by the client device, a first content from a content provider...;...
second requesting, by the client device, the first content from the content provider, the second requesting incorporating a query result for the query, the query result including the dynamic characteristic*. As previously discussed, the Examiner had earlier alleged that Nilsson's

request 40 for the policy reference file is equivalent to the recited *first requesting*, and accordingly, Nilsson's policy reference file is equivalent to the recited *first content*. The Examiner now alleges that Nilsson's user agent 30 transmitting a WSP request 80, including transmitting a CPI, is equivalent to the recited *second requesting*. Nilsson's WSP request 80 (the alleged second requesting), however, does not include request for the policy reference file (the alleged *first content*) that was also requested in request 40 (the alleged *first requesting*). In contrast, the claim recites requesting a *first content* during both the *first* and the *second requesting*. However, Nilsson's request 40 and WSP request 80 does not request the same content.

Additionally, claim 1 recites *second requesting, by the client device, the first content from the content provider, the second requesting incorporating a query result for the query, the query result including the dynamic characteristic*. Nilsson incorporates the CPI (which may include complete client profile information) in the WSP request 80 if the user agent 30 accepts the origin server 46's privacy policy (col. 3, lines 29-31). The origin server 46, however, does not query the user agent 30 for the CPI, and hence, the user agent 30 does not include the CPI as a *query result*, as would be required by claim 1. Rather, Nilsson's user agent 30 transmits the CPI if user agent finds the privacy policy of the origin server 46 acceptable. That is, Nilsson does not disclose any *second requesting incorporating a query result for the query*.

Additionally, claim 1 recites
first requesting, by the client device, a first content from a content provider ...;
...second receiving, by the client device, a second reply from the content provider ..., the second reply including the first content or portion thereof.... As previously discussed, the Examiner alleges that Nilsson's request 40 discloses the recited *first requesting*, where the user agent 30 requests a policy reference file (the alleged *first content*). The Examiner also alleges that the response 90 by the origin server 46 discloses the recited *second receiving*. The response 90, however, does not include the policy reference file requested at request 40. That is, the alleged *second receiving* (i.e., response 90) does not include the alleged *first content* (i.e., policy reference file) requested during the alleged *first request* (i.e., request 40), as would be required by claim 1.

Additionally, the Examiner acknowledges that Nilsson does not teach query and reply for a “dynamic” characteristics of the client device; but alleges that Coulombe does so. Coulombe, in Fig. 6, discloses a server 206 and a client 202. The client 202 includes a bit rate measurer 602, which measures a bit rate of the network connecting the server 206 and the client 202. A bit rate reporter 608 in the client 202 reports the measured bit rate to the server 206. It appears that the Examiner equates Coulombe’s bit rate to the recited “dynamic” characteristics of the client device. Although Coulombe discloses that the client 202 reports the bit rate to the server, no where does Coulombe disclose that the bit rate is being transferred to the server 206 in response to a query by the server 206. For example, Coulombe’s Figs. 5A, 5B, and 7 discloses the server 206 receiving the bit rates. Coulombe, however, does not disclose the server 206 querying the client 202 for the bit rate. Claim 1, however, recites *a first reply from the content provider responsive to the first requesting, the first reply including a query for a dynamic characteristic of the client device*. In contrast, Coulombe’s server 206 never queries the client 202 for the bit rate. Thus, Coulombe does not cure any deficiencies of Nilsson regarding “querying” and “replying” a “dynamic” characteristics of the client device.

Additionally, Coulombe measures the bit rate of the *network* connecting the server and the client (paragraph 25). The claim, however, recites *a dynamic characteristic of the client device*. Coulombe’s measured bit rate pertains to a network connecting the client and the server. Coulombe’s measured bit rate, however, do not provide a *characteristic of the client device*.

For at least these reasons, Nilsson and Coulombe, either alone or in combination, does not disclose or even suggest the recitations of claim 1, and accordingly, claim 1 is in condition for allowance, along with dependent claims 2, 4-15, and 30, which recite additional novel features.

Independent claim 26 includes several features which are similar to that of claim 1, and for at least some of the reasons discussed with respect to claim 1, Nilsson and Coulombe, either alone or in combination, does not disclose or even suggest the recitations of claim 26, and accordingly, claim 26 is in condition for allowance, along with dependent claim 27, which recites additional novel features.

Independent claim 16 recites

receiving, by a content provider, from a client a first request for first content and a characteristic profile, ...

providing, by the content provider, a first response to the first request of the client, the first response lacking all of the requested first content, but wherein the first response incorporates a query for a dynamic characteristic of the client.

As previously discussed, Nilsson's request 40 by the user agent 30 for the policy reference file allegedly discloses the recited *first request* and the response 50 by the origin server 46 discloses the recited *first response*. Nilsson discloses that the response 50 includes the requested policy reference file (the alleged *first content*). Claim 16, however, recites *the first response lacking all of the requested first content*. Nilsson, however, does not disclose his response 50 lacking the policy reference file requested at request 40.

Additionally, as previously discussed with respect to claim 1, the response 50 by the server does not *incorporate a query for a dynamic characteristic of the client*, as would be required by claim 16.

Additionally, claim 16 recites

receiving, by a content provider, from a client a first request for first content ...

receiving, by the content provider, a second request for the first content, ...

That is, the claim recites that both the first and the second request requests the same content (i.e., the recited *first content*). As previously discussed with respect to claim 1, Nilsson fails to disclose such features.

Additionally, claim 16 recites

receiving, by the content provider, a second request for the first content, wherein the second request incorporates a query result for the query, the query result including the dynamic characteristic. Nilsson's WSP request 80 (which allegedly discloses the recited *second requests*) incorporates the CPI (which may include complete client profile information). However, as previously discussed with respect to claim 1, the user agent 30 does not include the CPI in the WSP request 80 as a *query result*.

Additionally, claim 16 recites

receiving, by a content provider, from a client a first request for first content ...

providing, by the content provider, a first response to the first request of the client...

receiving, by the content provider, a second request for the first content, ...; and providing, by the content provider, the first content to the client in accord with the dynamic characteristic.

As discussed with respect to claim 1, the Examiner alleges Nilsson's request 40 requesting policy reference file discloses the recited *first request*, and accordingly, Nilsson's policy reference file discloses the recited *first content*. Nilsson's policy reference file, however, is not provided by the origin server in accord with any characteristic of the user agent 30. Rather, Nilsson's origin server 46 provides the policy reference file at 50, whenever requested by the user agent 30 at 40.

Additionally, as discussed with respect to claim 1, Coulombe does not cure any deficiencies of Nilsson regarding "querying" and "replying" a "dynamic" characteristics of the client device.

For at least these reasons, Nilsson and Coulombe, either alone or in combination, does not disclose or even suggest the recitations of claim 16, and accordingly, claim 16 is in condition for allowance, along with dependent claims 17 and 19-21, which recite additional novel features.

Independent claim 22 includes several features which are similar to that of claims 1 and 16, and for at least some of the reasons discussed with respect to claims 1 and 16, Nilsson and Coulombe, either alone or in combination, does not disclose or even suggest the recitations of claim 22, and claim 22 is in condition for allowance, along with dependent claim 23, which recites additional novel features.

Conclusion

For these reasons, a Notice of Allowance is respectfully requested. If the Examiner has any questions concerning the present paper, the Examiner is kindly requested to contact the undersigned at (503) 796-2883. If any fees are due in connection with filing this paper, the Commissioner is authorized to charge Deposit Account No. 500393.

Respectfully submitted,

SCHWABE, WILLIAMSON & WYATT, P.C.

Dated: March 28, 2008

/Ayanendu Paul/
Ayanendu Paul
Reg. No. L-0383

Pacwest Center, Suite 1900
1211 SW Fifth Avenue
Portland, Oregon 97204
Telephone: 503-222-9981